

Jones U
Signature of Sponsor

AMEND Senate Bill No. 94

House Bill No. 37*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

By deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 12-2-402 is amended by adding the following as a new subsection:

(5) "Electronic equipment" shall include, but not be limited to, personal computers, printers, CD-ROM readers, monitors, keyboards, CPUs, scanners, cellular telephones and other telephones, pagers, televisions, switches, routers, modems, faxes, videocassette records, microwaves, circuit boards, copiers, personal digital assistants (PDAs), all accessories and other peripheral equipment used in a data processing operation, and any telephone system or communications device.

SECTION 2. Section 12-2-403 is amended by deleting subsection (g) in its entirety and substituting instead the following:

(g)

(1) The commissioner of general services, in consultation with the information systems council, with the approval of the governor and the commissioner of education, is authorized to transfer surplus electronic equipment to local education agencies (LEAs), without financial consideration; provided, that such property is suitable for educational purposes for the public schools as determined by the commissioner of education; and provided further, that the authorizing officials named in this subsection first determine that the transfer of such personal property ownership is in the best interest of the state.

(2) Prior to the disposition of surplus electronic equipment, a determination shall be made as to whether requests have been made by an LEA for electronic equipment. If

suitable electronic equipment is available which meets the needs of requests on file by LEAs, such property shall be transferred, without financial consideration, to such LEAs.

(3) If, however, available surplus electronic equipment is not suitable for educational purposes or if no requests are on file by LEAs for equipment which meets the needs of such requests, then the surplus electronic equipment shall be disposed of either under one of the methods as provided in Section 12-2-403(a) or through a qualified electronics recycling company by means of a negotiated contract for sale pursuant to Section 12-2-403(a)(4). The electronics recycling company shall have conducted business for a period of at least one (1) year prior to participating under this section. The electronics recycling company may purchase surplus electronic equipment from the state for the fair market value of the equipment. The qualified electronics recycling company shall appropriately dispose of all surplus electronic equipment outside the state.

(4) The board of standards shall adopt rules and regulations on the procedures for the disposal of surplus electronic equipment as provided in this subsection and, in consultation with the commissioner of education, on the procedures for an LEA to apply for and be considered for receiving such property.

(5) The department or agency which declares electronic equipment surplus may be charged a fee to cover the cost of disposing of such equipment. The amount of the fee shall be determined by the board of standards.

SECTION 3. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2005, the public welfare requiring it.